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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09       UNITED STATES OF AMERICA,                   )           CASE NO. CR14-154-JCC  
10    )  
11       Plaintiff,                                      )  
12    )  
13       v.    )           DETENTION ORDER  
14    )  
15       ABDUL MASIH QAYUMI,                           )  
16    )  
17       Defendant.                                      )  
18    )  
19    )  
20    )  
21    )  
22    )

14       Offense charged:   Conspiracy to Traffic In Counterfeit Goods; Trafficking in Counterfeit  
15       Goods; Smuggling Goods into the United States

16       Date of Detention Hearing:   June 20, 2014.

17       The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18       based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
19       that no condition or combination of conditions which defendant can meet will reasonably  
20       assure the appearance of defendant as required and the safety of other persons and the  
21       community.

22       ///

01        **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

02        1.      Defendant is a Canadian citizen residing in British Columbia. He, together  
03 with his brother, is accused of selling over the internet counterfeit airbags purportedly  
04 manufactured by Honda, BMW, and Toyota, falsely representing the airbags as genuine to  
05 potential buyers. The indictment alleges that the counterfeit airbags were obtained from China  
06 and mailed from Canada to the United States or, some instances, directly from China to  
07 customers in the United States. At hearing, the government proffered evidence to argue that  
08 the counterfeit airbags did not function properly and, in some instances, could cause serious  
09 injury to the driver or passenger when inflated during a collision. As indicated, the alleged  
10 criminal activity occurred via the computer over the internet, as well as by mail.

11        2.      If released to live in Canada, the defendant could be required to comply with  
12 conditions of supervision by checking in with a counterpart agency in Canada. However, no  
13 home visits would be conducted nor would the defendant's computer use or internet access be  
14 capable of monitoring by Pretrial Services.

15        3.      The defendant poses a risk of nonappearance due to Canadian citizenship and  
16 familial ties to foreign countries, as well as an immigration detainer. He poses a risk of danger  
17 to the community due to the nature of the instant offense.

18        4.      While there might be conditions of release that could reasonably assure the  
19 defendant's appearance at future Court hearings, it appears there is no condition or combination  
20 of conditions that would reasonably assure the safety of the community.

21 It is therefore ORDERED:

22        1. Defendant shall be detained pending trial and committed to the custody of the Attorney

01 General for confinement in a correction facility separate, to the extent practicable, from  
02 persons awaiting or serving sentences or being held in custody pending appeal;

03 2. Defendant shall be afforded reasonable opportunity for private consultation with  
04 counsel;

05 3. On order of the United States or on request of an attorney for the Government, the  
06 person in charge of the corrections facility in which defendant is confined shall deliver  
07 the defendant to a United States Marshal for the purpose of an appearance in connection  
08 with a court proceeding; and

09 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
10 for the defendant, to the United States Marshal, and to the United State Pretrial Services  
11 Officer.

12 DATED this 20th day of June, 2014.

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15 Mary Alice Theiler  
16 Chief United States Magistrate Judge  
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